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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/759,424	01/12/2001	Manabu Sawasaki	1508.65123	2317
24978 7590 07/13/2007 GREER, BURNS & CRAIN 300 S WACKER DR 25TH FLOOR CHICAGO, IL 60606			EXAMINER NGUYEN, DUNG T	
			ART UNIT 2871	PAPER NUMBER
			MAIL DATE 07/13/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

09/759,424

**Applicant(s)**

SAWASAKI ET AL.

**Examiner**

Dung Nguyen

**Art Unit**

2871

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,8,23,32-41,54,55,57,59-61,63 and 65-69 is/are pending in the application.
- 4a) Of the above claim(s) 54 and 55 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 23,32-41,57,59-61,63,65,66-69 is/are allowed.
- 6) ☒ Claim(s) 1,8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 09/08/06
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/26/2007 has been entered.
2. Applicants' amendment dated 04/05/2007 has been received and entered. By the amendment, claims 1, 8, 23, 32-41, 54-55, 57, 59-61, 63 and 65-69 are remain pending in the application, wherein claims 54 and 55 stand withdrawn from consideration.

### ***Information Disclosure Statement***

3. The information disclosure statement (IDS) submitted on 09/08/2006 was filed. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### ***Claim Rejections - 35 USC § 102***

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
5. Claims 1 and 8 are rejected under 35 U.S.C 102(e) as being anticipated by Lien et al., US Patent No. 6,493,050.

Art Unit: 2871

The above claims are anticipated by Lien et al. figures 1A and 16-17 which disclose a liquid crystal display (LCD) device comprising:

- . a pair of substrates (102, 104);
- . a liquid crystal layer (101);
- . color filters (106);
- . a common electrode (122);
- . cell gap adjusting spacers (first spacer 108), wherein the cell gap adjusting spacers (108) covered directly adjacent terminal edges of the color filters (where the color filters 510 and 504 are met) as well as formed over a black matrix(the stacked color filters 112, 510, 504)(see figure 16);
- . domain defining projections (pretilt control structure 114/134) as claimed.
- . gap holding spacers (dam 110/602) formed outside of a display region (see figure 2).

***Allowable Subject Matter***

6. Claims 23, 32-41, 57, 59-60, 63 and 65-66 are allowed.

The following is a statement of reasons for the indication of allowable subject matter: none of prior art disclose, singly or combined, an LCD device having a plurality of spacers interposed between two substrates , wherein the spacers are formed to satisfy all condition as set forth in claims 32-33. Furthermore, pixel regions include both first pixel regions, in which a final protection film is interposed between pixel electrodes and a transparent substrate, and second pixel regions, in which the final protection film is not interposed between the pixel electrodes and the transparent substrate as set forth in claims 23, 32-34, 38, 57, 59-60, 63 and 65-

Art Unit: 2871

66 as well as both the first and second spacers are formed over a black matrix formed on the substrate as set forth in claims 61 and 67-69).

***Response to Arguments***

7. Applicants' arguments filed 12/26/2006 have been fully considered but they are not persuasive.

Noted that although the amendment and response dated 12/26/2006 has not entered as stated in the Office action 03/22/2007; the Examiner's response in this paper, to expedite the prosecution, is based on the arguments dated 12/26/2006 since there is no argument in paper dated 04/05/2007.

Applicants' arguments are as follow:

- a. there is no reason was given in response to Applicants' response F.
- b. the Examiner has not given any consideration to specific claim language that was added in amendment B (filed 07/02/2004).
- c. in expedite, claims 1 and 8 have been amended.

The Examiner's responses are as follow:

- a. The Examiner respectfully disagrees with Applicant's viewpoint. The advisory action dated 11/21/2006 clearly stated that "the device of claims 1 and 8 do not define over the art of record" (i.e., the art used to reject claims 1 and 8 in the final office action dated 08/23/2006). In particular, Applicants contend that figure 1A does not show any adjacent edges of color filters at all and Applicants appear to believe that the Examiner misinterpreted when he said that "Lien does not show any adjacent edges of color filter at all". It should be noted that figures 12-16 and

Art Unit: 2871

17 are a cross-sectional view of the LCD device of figure 1A showing method steps for forming color stacks (see col. 8, lines 6 and 30). In other words, although figure 1A is not clearly shown the adjacent edges of color filter, such feature can be seen from figure 17 (or 16) as well.

Therefore, when Applicants state that "figure 1A of the Lien", it can be the Lien's device as well and the response to the Applicants is fully given in the final office action dated 08/23/2006.

b. The Examiner, again, respectfully disagrees with Applicant's viewpoint. Applicants are directed to figure(s) 16 (or 17) which clearly shown the limitation of "directly adjacent terminal edges of color filters are covered with the cell gap adjusting spacers", and also stated above.

c. Although claims 1 and 8 are now amended, such amendment is not sufficient to overcome its rejection as stated above.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dung Nguyen whose telephone number is 571-272-2297. The examiner can normally be reached on Tuesday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Nelms can be reached on 571-272-1787. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2871

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DN  
07/07/07

/Dung Nguyen/  
***Dung Nguyen***  
***Primary Examiner***  
***Art Unit 2871***